

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Sjoberg's Inc. Request for Waiver
of 47 C.F.R. § 15.712(b)

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ET Doc. No. 04-186

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To: Chief, Office of Engineering and Technology

Federal Communications Commission
Bureau / Office

REQUEST FOR WAIVER

Sjoberg's Inc. respectfully requests that the Commission waive the distance requirement set forth in Section 15.712(b) of its rules for protection of cable headends from interference from unlicensed Television Band Devices (TVBDs) with respect to Sjoberg's Inc. headend facilities located in Roseau, MN. Sjoberg's Inc. provides Cable TV to the Roseau, MN area.

On September 23, 2010, the Commission adopted final rules for the introduction of unlicensed TVBDs for operation in the unused spectrum in the TV bands (or "white spaces").¹ Section 15.712(b) of the rules provides, in pertinent part, that multichannel video programming distributor (MVPD) receive sites, e.g. cable headends, "located outside the protected contour of the TV station(s) being received may be registered in the TV bands database if they are no farther than 80 km outside the nearest edge of the relevant contour(s)." 47 C.F.R. § 15.712(b). In its Second Memorandum Opinion and Order ("Order") adopting the final rules, the Commission recognized that "there are cable headends that receive TV station signals located at distances beyond 80 km from the edge of the television station's protected service contour" and

¹ *In the Matter of Unlicensed Operation in the TV Broadcast Bands, Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, ET Docket No. 04-186, ET Docket No. 02-380, Second Memorandum Opinion and Order, FCC 10-174 (rel. Sept. 23, 2010).

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acknowledged concerns about “possible disruption of service to cable subscribers” in those areas from unlicensed TVBDs.²

The Commission therefore provided that current MVPD operators with receive sites located beyond the 80 km protected zone may apply within 90 days after the effective date of the rules for a waiver of that distance.³ Pursuant to the Order, such waiver requests would also involve shifting the 20 km adjacent channel protection distance so that it is measured from the actual headend receive site rather than from the station’s contour.

Sjoberg’s Inc. provides cable service to 1000 subscribers in the rural community of Roseau, MN. In particular, it imports broadcast stations of KBRR, WDAZ, CBWT, CKY, and KAWE, which are located 60-80 miles away, to residents in these areas. Sjoberg’s Inc has been receiving these stations from this location since as early as 1967. Sjoberg’s Inc. also acts as a pickup site for several other entities including other cable systems and television translator systems. The stations being picked up are the only network affiliates available to these providers and interference or a degraded signal would affect the entire region. Sjoberg’s Inc. is able to receive these signals reliably because of the flat terrain, the use of very tall towers and the current lack of interference on these channels.

In order to provide these distant broadcast stations to its customers, Sjoberg’s Inc. installed an 480 foot antenna tower, which receives the signal from the distant broadcast transmitter and retransmits it via cable to its customers. This headend receive site is located approximately 48 km (28.75 miles) from the protected contour of stations KBRR, WDAZ,

² *Id.* at ¶ 42.

³ *Id.* The rules went into effect Jan. 5, 2011. MVPD operators that commence operation in the future with receive sites located beyond the co-channel and adjacent protection distances may apply for a waiver of those distances within 90 days of commencing operation. *Id.*

CBWT, CKY, and KAWE, and thus exceeds the 80 km protection zone provided to cable headends in the rules. The distance calculation is based on the FCC's maps of all full-service digital television stations⁴ and its TV service contour data, which is regularly updated and available on the Commission's website.⁵

Without a waiver of the distance rules, Sjoberg's Inc. reception of broadcast stations KBRR, WDAZ, CBWT, CKY, and KAWE could be seriously disrupted by unlicensed TVBDs operating within the beamwidth of the distant signal, resulting in the loss of that station's programming in Roseau, MN and surrounding communities. Sjoberg's Inc. respectfully requests, therefore, that the Commission waive the distance requirement in section 15.712(b) and permit the company to register its headend located in Roseau, MN in the TV Band geo-location database in order to protect it from harmful interference from TVBDs. Sjoberg's Inc. also requests that the waiver provide that the 20 km adjacent channel protection zone be measured from the headend receive site. This waiver will ensure that valuable broadcast television programming continues to be available without disruption to Sjoberg's Inc. cable customers.

In sum, the instant waiver request fully satisfies the Order's grounds for waiver requests and will serve the public interest. It also meets the Commission's general waiver standard set forth in Section 1.3 of the Commission's rules.⁶

Respectfully submitted,



⁴ See <http://www.fcc.gov/dtv/markets/>.

⁵ See http://www.fcc.gov/ftp/Bureaus/MB/Databases/tv_service_contour_data/readme.html.

⁶ 47 C.F.R. § 1.3 ("Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.")

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February 1, 2011

Location of the Roseau, MN Tower Latitude: 48 51 9.5 N

Longitude 095 46 13.1 W

Location of Television Towers

KBRR-TV Latitude 47 58 38 N

Longitude 096 36 18 W

KAWE-TV Latitude 47 42 03 N

Longitude 094 29 15 W

CBWT-TV Latitude 49 46 13 N

Longitude 097 30 29 W

CKY-TV

Latitude 49 34 48 N

Longitude 097 10 03 W

WDAZ-TV

Latitude 48 08 18 N

Longitude 097 59 35 W